

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:03CR3090
	)	
v.	)	
	)	
LUIS ALBERTO ERENAS-LUNA,	)	MEMORANDUM AND ORDER
	)	
Defendant.	)	
	)	

---

Pending before me is a motion to dismiss for post-indictment delay filed by the defendant, Luis Alberto Erenas-Luna. Filing 29. The defendant's real name is Miguel Angel Ontiveros-Murillo. Filing 29 (defendant's brief), p.1, n.1.

The parties have thoroughly briefed the issues raised, and the government has submitted evidence in support of its position. Having reviewed the arguments and evidence, I find that the defendant's request for an evidentiary hearing on this motion should be granted.

IT THEREFORE HEREBY IS ORDERED:

1. An evidentiary hearing on defendant's motion to dismiss, filing 29, will be held before the undersigned on May 15, 2007 beginning at 2:00 p.m. in Courtroom #2, United States Courthouse, Lincoln, Nebraska. The court has set aside three hours for this hearing.
2. The defendant, defendant's counsel, and counsel for the government shall be present at this hearing.
3. Pursuant to NECrimR 12.5, copies of all exhibits expected to be offered into evidence during the hearing, except those to be used for impeachment only, shall be delivered to the chambers of the undersigned at least twenty-four (24) hours before the hearing and, at the outset of the hearing, to the extent reasonably possible, the parties shall provide the

undersigned and the courtroom deputy with a written list of all witnesses the parties expect to call.

4. The trial of this case is continued until further order of the court following resolution of outstanding motions.

DATED this 24<sup>th</sup> day of April, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge